

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

MICHAEL W. ALCOTT,
Defendant

CRIMINAL NO. 04-10286-PBS

UNITED STATES' MOTION FOR UPWARD DEPARTURE

The United States hereby moves, pursuant to United States Sentencing Guidelines § 5K2.0, for a departure upward of one level from the otherwise calculated guidelines range for the defendant in this action. As grounds for this motion, the United States says that a departure of one level is warranted based on the defendant's use of his teenage son in an attempt to dispose of evidence of the defendant's obstruction of justice and other wrongful conduct. Grounds for this motion are further set forth in Section D of the Sentencing Memorandum of the United States submitted simultaneously herewith.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Jack W. Pirozzolo
 Jack W. Pirozzolo
 Assistant U.S. Attorney
 U.S. Attorney's Office
 U.S. Courthouse, Suite 9200
 1 Courthouse Way
 Boston, MA 02210

Date: March 16, 2006

CERTIFICATE OF SERVICE

I, Jack W. Pirozzolo, hereby certify that on March 16, 2006, I served a copy of the foregoing document via electronic filing on counsel for the defendant.

/s/ Jack W. Pirozzolo
Jack W. Pirozzolo

CERTIFICATE OF CONFERENCE

I, Jack W. Pirozzolo, hereby certify that on March 16, 2006, I conferred with counsel for the defendant on the foregoing motion and he stated that he opposes the motion.

/s/ Jack W. Pirozzolo
Jack W. Pirozzolo